



New South Wales

# Transport Legislation Amendment (Penalties, Fees and Charges) Regulation 2023

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following regulation under the following Acts—

- (a) the *Driving Instructors Act 1992*,
- (b) the *Marine Safety Act 1998*,
- (c) the *Photo Card Act 2005*,
- (d) the *Ports and Maritime Administration Act 1995*,
- (e) the *Road Transport Act 2013*,
- (f) the *Roads Act 1993*.

JOHN GRAHAM, MLC  
Minister for Roads

## Explanatory note

This regulation amends various instruments relating to transport to increase certain penalty levels, fees and charges imposed for offences dealt with by the issue of a penalty notice. The penalty, fee and charge increases are generally in line with movements in the Consumer Price Index.

This regulation is made under the following Acts—

- (a) the *Driving Instructors Act 1992*, including sections 11(2), 30(2)(b) and 59, the general regulation-making power,
- (b) the *Marine Safety Act 1998*, including sections 19K(1), 37 and 137, the general regulation-making power,
- (c) the *Photo Card Act 2005*, including sections 5(3), 34(2) and 36, the general regulation-making power,
- (d) the *Ports and Maritime Administration Act 1995*, including sections 85G and 110, the general regulation-making power,
- (e) the *Road Transport Act 2013*, including sections 23, the general statutory rule-making power, 24, 32(1) and 195 and Schedule 1,
- (f) the *Roads Act 1993*, including sections 243(2) and 264, the general regulation-making power.

## **Transport Legislation Amendment (Penalties, Fees and Charges) Regulation 2023**

### **1 Name of regulation**

This regulation is the *Transport Legislation Amendment (Penalties, Fees and Charges) Regulation 2023*.

### **2 Commencement**

This regulation commences on 1 October 2023.

## Schedule 1 Amendment of Driving Instructors Regulation 2016

### Schedule 1

Omit the schedule. Insert instead—

### Schedule 1 Fees

clause 5(1)

Type of fee	Fee (\$)
Application fee for a driving instructor's licence under the Act, section 11, including the renewal of a licence under the Act, section 23	206
Application fee for a driving instructor's licence under the Act, section 11 subject to a condition the holder complete a course in driving instruction within a specified time	63
Fee for the issue of a duplicate driving instructor's licence under the Act, section 30	31
Fee for the issue of a certificate under the Act, section 46	35

## Schedule 2 Amendment of Marine Safety Regulation 2016

### [1] Clause 136 Fees

Omit “The” from clause 136(1).

Insert instead “For the Act, sections 37 and 137, the”.

### [2] Schedule 11

Omit the schedule. Insert instead—

## Schedule 11 Fees relating to State matters

clauses 55A, 55B(2), 74(1)(d), 81(2), 92(1) and 136(1)

<b>Matter</b>	<b>Fee</b>
<b>Part 1 Fees for marine safety licences</b>	
Vessel registration—	
(a) personal watercraft	\$380
(b) personal watercraft—pensioner concession	\$191
(c) other vessels—	
(i) vessels of not more than 3m in length	\$75
(ii) vessels of more than 3m in length	\$75 plus \$11 for each 0.5m, or part of 0.5m, over 3m to a maximum of \$691
(iii) pensioner concession	50% of the relevant licence fee in subparagraph (i) or (ii), rounded to the nearest dollar
General boat driving licence—	
(a) licence examination	\$40
(b) 1-year licence	\$69
(c) 3-year licence	\$185
(d) 5-year licence	\$292
(e) 10-year licence	\$521
(f) pensioner concession or persons less than 16 years of age	50% of the relevant licence fee in paragraphs (b)–(e), rounded to the nearest dollar
Personal watercraft driving licence—	
(a) licence examination	\$59
(b) licence upgrade examination	\$19
(c) 1-year licence	\$210
(d) 3-year licence	\$460
(e) 5-year licence	\$720
(f) 10-year licence	\$1,043

<b>Matter</b>	<b>Fee</b>
(g) pensioner concession or persons less than 16 years of age	50% of the relevant licence fee in paragraphs (c)–(f), rounded to the nearest dollar
Marine pilot's licence—	
(a) initial application	\$528
(b) application to extend licence to add a new port	\$12
(c) renewal application	\$264
Marine pilotage exemption certificate—	
(a) initial application	\$528
(b) renewal application	\$264
Certificate of local knowledge—	
(a) initial application	\$79
(b) renewal application	\$42
Application for an aquatic licence—	
(a) licence for a commercial activity	\$444
(b) licence for an activity other than a commercial activity	\$224
Bar crossing licence	\$146
<b>Part 2 Fees for impounded vessels</b>	
Daily fee for storage of an impounded vessel	\$24
Towing fee for a vessel impounded and towed under the Act, section 19A or 19D	Actual towing costs
<b>Part 3 Fees and charges for other services</b>	
Transfer of vessel registration—	
(a) to a person who is not a dealer in vessels for sale	\$36
(b) to a dealer in vessels for sale	\$21
Application for authorisation as a boatcode agent	\$1,442
Transfer of a boatcode agent authorisation	\$379
Affixing of hull identification number	\$101
Inspection to validate hull identification number	\$101
Hull identification number plates—set of 20	\$170
Hull identification number certificates—pad of 50	\$37
Personalised vessel registration	\$210
Preservation of personalised vessel registration	\$31
Registration numbers—	
(a) large—set of 2	\$24
(b) small—set of 2	\$12
(c) individual	\$2

<b>Matter</b>	<b>Fee</b>
Attendance by an authorised officer at a special event or aquatic activity	\$215 per hour
Waterway access fee for an aquatic licence authorising the exclusive use of an area in accordance with clause 99(c)	An appropriate market rate for the exclusive occupation of waters, as determined by Transport for NSW
Retrieval of domestic commercial vessel records	\$34 per hour or part of an hour taken to retrieve the records
Issue of replacement marine safety licence if a licence is lost, stolen, damaged, destroyed or defaced	\$23

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## Schedule 3 Amendment of Photo Card Regulation 2014

**[1] Clause 4 Fees for Photo Card**

Omit “The” from clause 4. Insert instead “For the Act, section 5(3), the”.

**[2] Clause 4**

Omit “\$5” from clause 4(a)(i) and (b)(i). Insert instead “\$6”.

**[3] Clause 4**

Omit “\$15” from clause 4(a)(ii), (b)(ii) and (c). Insert instead “\$16”.

**[4] Clause 4(a)(iii)**

Omit “\$102”. Insert instead “\$108”.

**[5] Clause 4(b)(iii)**

Omit “\$57”. Insert instead “\$61”.

**[6] Schedule 1 Penalty notice offences**

Omit the table. Insert instead—

<b>Provision</b>	<b>Penalty</b>
<b>Offences under the Act</b>	
Section 11(3)	\$118
Section 12	\$118
Section 20(1)(a)	\$909
Section 20(1)(b)	\$909
Section 21(a)	\$909
Section 23(a)	\$909
Section 23(b)	\$909
Section 28(2)	\$909
<b>Offences under this regulation</b>	
Clause 9(1)	\$118

## Schedule 4 Amendment of Ports and Maritime Administration Regulation 2021

**[1] Section 35 Replacement mooring licence**

Omit “Schedule 4” from section 35(2). Insert instead “Schedule 3”.

**[2] Schedule 1 Commuter wharves**

Omit Part 2. Insert instead—

### Part 2 Fees

Item	Matter for which fee is payable	Amount
1	6-month permit to access commuter wharf—	
	(a) unlimited use for 0–50 passengers	\$179
	(b) unlimited use for more than 50 passengers	\$23,867
2	12-month permit to access commuter wharf—	
	(a) unlimited use for 0–50 passengers	\$358
	(b) unlimited use for more than 50 passengers	\$47,734
	(c) up to 10 berthings for 0–80 passengers	\$131
	(d) up to 10 berthings for 81–150 passengers	\$262
	(e) up to 10 berthings for more than 150 passengers	\$393

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**[3] Schedule 2 Charter wharves**

Omit Part 2. Insert instead—

### Part 2 Fees

Item	Matter for which fee is payable	Amount
1	Ad hoc booking for charter wharf—	
	(a) vessel capacity of 0–80 passengers	\$18.90
	(b) vessel capacity of 81–150 passengers	\$37.60
	(c) vessel capacity of more than 150 passengers	\$56.50
2	Regular bulk booking for charter wharf—	
	(a) vessel capacity of 0–80 passengers	\$13.20
	(b) vessel capacity of 81–150 passengers	\$26.30
	(c) vessel capacity of more than 150 passengers	\$39.40

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**[4] Schedule 3 Mooring licence fees**

Omit the table. Insert instead—



<b>Item</b>	<b>Matter for which fee is payable</b>	<b>Amount</b>
1	Application for mooring licence for commercial mooring—	
	(a) vessel length of less than 5m—	
	(i) in Sydney Harbour or Pittwater	\$348
	(ii) in all other waters	\$234
	(b) vessel length of 5m or more—	
	(i) in Sydney Harbour or Pittwater	\$579
	(ii) in all other waters	\$462
2	Application for mooring licence for private mooring—	
	(a) vessel length of less than 7m—	
	(i) in Sydney Harbour (Eastern)	\$592
	(ii) in Sydney Harbour (Western) or Pittwater	\$380
	(iii) in all other waters	\$254
	(b) vessel length of 7m or more and less than 11m—	
	(i) in Sydney Harbour (Eastern)	\$592 plus \$199 for each metre, or part metre, over 7m
	(ii) in Sydney Harbour (Western) or Pittwater	\$380 plus \$130 for each metre, or part metre, over 7m
	(iii) in all other waters	\$254 plus \$55 for each metre, or part metre, over 7m
	(c) vessel length of 11m or more—	
	(i) in Sydney Harbour (Eastern)	\$1,388 plus \$394 for each metre, or part metre, over 11m
	(ii) in Sydney Harbour (Western) or Pittwater	\$900 plus \$254 for each metre, or part metre, over 11m
	(iii) in all other waters	\$474 plus \$101 for each metre, or part metre, over 11m
3	Inspection of mooring or vessel by TfNSW in business hours	\$145
4	Inspection of mooring or vessel by TfNSW outside business hours	\$145 per hour
5	Changes in particulars of mooring licence	\$145
6	Transfer of mooring licence	\$145
7	Replacement mooring licence	\$27

## Schedule 5 Amendment of Road Transport (Driver Licensing) Regulation 2017

### [1] Clause 116 Applicable fees

Omit “The” from clause 116. Insert instead “For the Act, sections 23 and 24 and Schedule 1, clause 14, the”.

### [2] Schedule 3

Omit the schedule. Insert instead—

## Schedule 3 Fees

clause 116

Item	Service	Fee
1	Issue or renewal of a driver licence, other than a provisional licence or learner licence—	
	(a) for a 1-year period	\$66
	(b) for a 3-year period	\$154
	(c) for a 5-year period	\$208
	(d) for a 10-year period	\$386
2	Issue or renewal of—	
	(a) a provisional P1 licence	\$66
	(b) a provisional P2 licence	\$103
	(c) a learner licence	\$28
3	Issue of a replacement driver licence—	
	(a) for a learner licence	\$25
	(b) for another driver licence	\$31
4	Administration of a test to obtain a driver licence—	
	(a) a driver knowledge test, other than if the test is administered online	\$52
	(b) a driving test or riding test	\$64
	(c) a hazard perception test	\$52
5	Confirmation of the successful completion of a driver knowledge test, administered online, to obtain a learner licence	\$52
6	Issue of the following in connection with a competency based assessment relating to heavy vehicle driver licensing—	
	(a) an initial log book and a heavy vehicle driver handbook	\$32
	(b) a replacement log book	\$10

<b>Item</b>	<b>Service</b>	<b>Fee</b>
7	Issue of—	
	(a) a certificate relating to information from the records of Transport for NSW	\$35
	(b) another document containing information from the records of Transport for NSW	\$25
8	Provision of—	
	(a) a road users' handbook, in any language	\$15
	(b) a heavy vehicle driver handbook	\$15
	(c) a motorcycle riders' handbook	\$15
	(d) a hazard perception handbook	\$15
9	Interlock administration fee for an interlock driver licence	\$183

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## Schedule 6 Amendment of Road Transport (General) Regulation 2021

[1] Section 134

Omit the section. Insert instead—

**134 Penalty levels—the Act, s 195**

For this regulation, penalty amounts are expressed in terms of the following levels—

*Level 1* means a penalty of \$86.

*Level 2* means a penalty of \$129.

*Level 2A* means a penalty of \$137.

*Level 3* means a penalty of \$215.

*Level 3A* means a penalty of \$225.

*Level 4* means a penalty of \$302.

*Level 4A* means a penalty of \$316.

*Level 5* means a penalty of \$387.

*Level 5A* means a penalty of \$405.

*Level 6* means a penalty of \$514.

*Level 6A* means a penalty of \$542.

*Level 7* means a penalty of \$644.

*Level 7A* means a penalty of \$675.

*Level 8* means a penalty of \$772.

*Level 8A* means a penalty of \$811.

*Level 9* means a penalty of \$987.

*Level 9A* means a penalty of \$1,036.

*Level 10* means a penalty of \$1,245.

*Level 10A* means a penalty of \$1,307.

*Level 11* means a penalty of \$1,545.

*Level 11A* means a penalty of \$1,623.

*Level 12* means a penalty of \$1,632.

*Level 12A* means a penalty of \$1,713.

*Level 13* means a penalty of \$2,016.

*Level 14* means a penalty of \$2,661.

*Level 14A* means a penalty of \$2,794.

*Level 15* means a penalty of \$2,835.

*Level 15A* means a penalty of \$2,967.

*Level 16* means a penalty of \$4,035.

*Level 16A* means a penalty of \$4,236.

*Level 17* means a penalty of \$4,376.

*Level 17A* means a penalty of \$4,385.

**Note—**“A” numbers are used in relation to motor vehicle speeding offences under the *Road Rules 2014*, rule 20.

**[2] Section 136 Lower penalty levels for certain parking offences dealt with by penalty notice**

Omit “\$86” from section 136(1). Insert instead “\$92”.

**[3] Schedule 1**

Omit the schedule. Insert instead—

## **Schedule 1 Fees and charges**

sections 44, 62(2)(b), 168(2) and 170(1)

### **Part 1 Fees**

<b>Fee category</b>	<b>Provision of regulation prescribing fee</b>	<b>Amount payable</b>
1 Daily storage fee for an impounded motor vehicle under the Act, section 250	section 44	\$24
2 Application for a permit under section 62	section 62(2)(b)	\$75
3 Issue of information from the records of Transport for NSW, including certificates and other documents issued under the Act, section 257	section 170(1)	\$25

### **Part 2 Charges**

<b>Charge category</b>	<b>Provision of regulation prescribing charge</b>	<b>Amount payable</b>
1 Prescribed tow-away charge for the removal of an unattended vehicle under the Act, section 143	section 168(2)	\$229

## Schedule 7 Amendment of Road Transport (Vehicle Registration) Regulation 2017

[1] **Clause 124 Fees**

Omit “The” from clause 124(1). Insert instead “For the Act, sections 23 and 24 and Schedule 1, clause 14, the”

[2] **Schedule 3**

Omit the schedule. Insert instead—

### Schedule 3 Fees

clause 124(1)(a)

<b>Matter for which fee is payable</b>	<b>Fee (\$)</b>
<b>Part 1 Registration or renewal of registration of a motor vehicle or trailer</b>	
1	Motor lorry, other than an articulated motor lorry or prime mover, with a GVM of 12 tonnes or more—
(a)	for more than 6 months but not more than 1 year 330
(b)	for more than 3 months but not more than 6 months 165
(c)	for 3 months or less 82
2	Articulated motor lorry—
(a)	for more than 6 months but not more than 1 year 494
(b)	for more than 3 months but not more than 6 months 247
(c)	for 3 months or less 123
3	Prime mover—
(a)	for more than 6 months but not more than 1 year 330
(b)	for more than 3 months but not more than 6 months 165
(c)	for 3 months or less 82
4	Tow truck with a GVM of 4.5 tonnes or more but less than 12 tonnes—
(a)	for more than 6 months but not more than 1 year 205
(b)	for more than 3 months but not more than 6 months 102
(c)	for 3 months or less 51
5	Tow truck with a GVM of 12 tonnes or more—
(a)	for more than 6 months but not more than 1 year 330
(b)	for more than 3 months but not more than 6 months 165
(c)	for 3 months or less 82

<b>Matter for which fee is payable</b>		<b>Fee (\$)</b>
6	Tow truck trailer with a GVM of less than 4.5 tonnes—	
	(a) for more than 6 months but not more than 1 year	205
	(b) for more than 3 months but not more than 6 months	102
	(c) for 3 months or less	51
7	Trailer with a GVM of 4.5 tonnes or more—	
	(a) for more than 6 months but not more than 1 year	243
	(b) for more than 3 months but not more than 6 months	121
	(c) for 3 months or less	60
8	Bus or other vehicle, other than a public passenger vehicle, seating more than 8 adult persons with a GVM of less than 12 tonnes—	
	(a) for more than 6 months but not more than 1 year	205
	(b) for more than 3 months but not more than 6 months	102
	(c) for 3 months or less	51
9	Bus or other vehicle, other than a public passenger vehicle, seating more than 8 adult persons with a GVM of 12 tonnes or more—	
	(a) for more than 6 months but not more than 1 year	330
	(b) for more than 3 months but not more than 6 months	165
	(c) for 3 months or less	82
10	Bus or other vehicle, being a public passenger vehicle, seating more than 8 adult persons with a GVM of less than 12 tonnes—	
	(a) for more than 6 months but not more than 1 year	335
	(b) for more than 3 months but not more than 6 months	167
	(c) for 3 months or less	83
11	Bus or other vehicle, being a public passenger vehicle, seating more than 8 adult persons with a GVM of 12 tonnes or more—	
	(a) for more than 6 months but not more than 1 year	585
	(b) for more than 3 months but not more than 6 months	292
	(c) for 3 months or less	146
12	Taxi not licensed to operate in a transport district within the meaning of the <i>Transport Administration Act 1988</i> —	
	(a) for more than 6 months but not more than 1 year	335
	(b) for more than 3 months but not more than 6 months	167
	(c) for 3 months or less	83
13	Public passenger vehicle, other than a vehicle referred to in items 8–12—	
	(a) for more than 6 months but not more than 1 year	335
	(b) for more than 3 months but not more than 6 months	167
	(c) for 3 months or less	83

<b>Matter for which fee is payable</b>		<b>Fee (\$)</b>
14	Registrable vehicle not referred to in items 1–13—	
	(a) for more than 6 months but not more than 1 year	75
	(b) for more than 3 months but not more than 6 months	37
	(c) for 3 months or less	18
<b>Note—</b> Under this regulation, clause 67(2)(a), the fees for registration or renewal of registration of a motor vehicle or trailer referred to in items 1–13 include a registration fee component and an inspection fee component for the applicable number of required inspections.		
<b>Part 2 Transfer of registration</b>		
1	Application made within 14 days after vehicle acquired	37
2	Application made more than 14 days after vehicle acquired	172
<b>Part 3 Issue of 1 or 2 standard number-plates with same number</b>		
1	Initial or replacement issue of heavy vehicle number-plates	29.20
2	Initial or replacement issue of number-plates other than heavy vehicle number-plates	52
<b>Part 4 Trader's plate</b>		
1	Issue of a trader's plate for a vehicle other than a motor bike—	
	(a) for 12 months	498
	(b) for 1 month	43
2	Issue of a trader's plate for a motor bike—	
	(a) for 12 months	121
	(b) for 1 month	11
<b>Part 5 Initial inspection of registrable vehicle under clause 66, 67 or 81 otherwise than in relation to exhaust emission levels</b>		
1	Motor lorry, other than an articulated motor lorry or a prime mover, with a GVM of 4.5 tonnes or more but less than 12 tonnes	64
2	Motor lorry, other than an articulated motor lorry or a prime mover, with a GVM of 12 tonnes or more	255
3	Articulated motor lorry	419
4	Prime mover	255
5	Tow truck with a GVM of less than 12 tonnes	130
6	Tow truck with a GVM of 12 tonnes or more	255
7	Tow truck trailer with a GVM of less than 4.5 tonnes	130
8	Trailer, other than a tow truck trailer, with a GVM of less than 4.5 tonnes	28
9	Trailer, including a tow truck trailer, with a GVM of 4.5 tonnes or more	168
10	Bus or other vehicle seating more than 8 adult persons with a GVM of less than 12 tonnes	130
11	Bus or other vehicle seating more than 8 adult persons with a GVM of 12 tonnes or more	255



<b>Matter for which fee is payable</b>		<b>Fee (\$)</b>
12	Taxi	130
13	Public passenger vehicle, other than a vehicle referred to in items 10–12	130
14	Motor bike	28
15	Registrable vehicle not referred to in items 1–14	47
<b>Part 6 Further inspection of registrable vehicle that has failed earlier inspection under clause 66, 67 or 81</b>		
1	If a vehicle may be used while a failure is being rectified	53
2	If a vehicle may not be used while a failure is being rectified	106
<b>Part 7 Inspection of registrable vehicle under clause 66 in relation to exhaust emission levels</b>		
	Carrying out of inspection	61
<b>Part 8 Examiner's authority</b>		
1	Issue of original authority	208
2	Issue of duplicate authority	25
<b>Part 9 Proprietor's authority</b>		
1	Issue of original authority	415
2	Issue of duplicate authority	25

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## Schedule 8 Amendment of Roads Regulation 2018

### Schedule 3 Penalty notice offences

Omit the table. Insert instead—

<b>Offence</b>	<b>Amount of penalty</b>
<b>Offences under this regulation</b>	
Clause 6(4)	\$635
Clause 8(1) and (3)	\$635
Clause 9	\$422
Clause 10(1)	\$422
Clause 10(2)	\$635
Clause 11	\$422
Clause 12	\$635
Clause 13	\$635
Clause 14(1)	\$878
Clause 15	\$878
Clause 16	\$422
Clause 17	\$635
Clause 18	\$422
Clause 19(1)	\$211
Clause 20	\$422
Clause 27(1)	\$422
Clause 28(1)	\$422
Clause 29(1)	\$635
Clause 30	\$422
Clause 31	\$635
Clause 32	\$422
Clause 33(3)	\$211
Clause 35(2)	\$635
Clause 36(3)	\$635
Clause 41	\$878
Clause 42	\$878
Clause 43	\$635
Clause 44	\$878
Clause 45(2)	\$211
Clause 46(2)	\$635
Clause 47	\$422
Clause 48(1)	\$211

<b>Offence</b>	<b>Amount of penalty</b>
Clause 50	\$422
Clause 51(1) and (3)–(5)	\$422
Clause 56(3)	\$211
Clause 58	\$211
Clause 59	\$422
Clause 60(1) and (2)	\$422
Clause 61(1)	\$211
Clause 62(2)	\$422
Clause 63	\$422
Clause 64	\$422
Clause 65(3)	\$422
Clause 66(1) and (2)	\$422
Clause 70	\$422
Clause 71	\$422

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